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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,150	11/13/2003	Todd A. Merritt	2008.001982	8235

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EXAMINER

TORRES, JOSEPH D

ART UNIT PAPER NUMBER

2133

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/712,150

Applicant(s)

MERRITT ET AL.

Examiner

Joseph D. Torres

Art Unit

2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31,32 and 38-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31,32 and 38-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 31, 32 and 38-54 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 31 recites, "wherein at least two of said plurality of data lines being latched from two corresponding memory portions", which is either an incomplete clause or clause without a verb. Since it is impossible to determine the intent of the language, the Examiner will not make an attempt to decipher what is meant.

Claim 31 recites the limitation "said two of said plurality of data lines" in line 7. There is insufficient antecedent basis for this limitation in the claim. Note: it is not clear which of the at least two of said plurality of data lines, "said two of said plurality of data lines" refers to since nowhere prior to "said two of said plurality of data lines" in line 7 does the claim 31 introduce "two of said plurality of data lines" in some meaningful context.

Claim 38 recites, "wherein at two of said plurality of data lines being latched from two corresponding memory portions", which is either an incomplete clause or clause without a verb. Since it is impossible to determine the intent of the language, the Examiner will not make an attempt to decipher what is meant.

Claim 38 recites, "wherein at two of said plurality of data lines", which makes no sense.

Claim 38 recites the limitation "said two of said plurality of data lines" in line 7. There is insufficient antecedent basis for this limitation in the claim. Note: it is not clear which of the at least two of said plurality of data lines, "said two of said plurality of data lines" refers to since nowhere prior to "said two of said plurality of data lines" in line 7 does the claim 38 introduce "two of said plurality of data lines" in some meaningful context.

Claims 31, 32 and 38-54 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. Claim 31 recites, "masking the latched data associated with associated with said two of said plurality of data lines". Claim 38 recites, "masking the latched data associated with associated with said two of said plurality of data lines". The omitted structural cooperative relationships are: the relationships between the "latched data" and "said plurality of data lines". It is not clear how the data is associated with the data lines.

Claim Objections

2. Claims 31, 32 and 38-54 are objected to because of the following informalities: "associated with" is used twice in lines 6 and 7 of claims 31 and 38. Appropriate correction is required.

Response to Arguments

3. Applicant's arguments filed 05/02/2005 have been fully considered but they are not persuasive.

The Applicant contends, "For example, claim 31 as amended) calls for latching a plurality of data lines, where two data lines are latched from two corresponding memory portions. Claim 31 also calls for masking the latched data lines and compressing the masked data lines using a compression circuit. Therefore, claim 31 calls for compressing latched data lines where at least two of the data lines from two different memory portions are compressed by a compressing unit".

As amended claim 31 does not recite those features since "said two of said plurality of data lines" in lines 7 has no antecedent basis to determine which two of said plurality of data lines, "said two of said plurality of data lines" refers to.

The Examiner suggests that the Applicant make a conscientious effort to amend the claims to overcome the Prior Art of record so that the Examiner can conclude a final search.

The Examiner disagrees with the applicant and maintains all rejections of claims 31, 32 and 38-54. All amendments and arguments by the applicant have been considered. It is the Examiner's conclusion that claims 31, 32 and 38-54 are not patentably distinct or non-obvious over the prior art of record in view of the reference, Bunker; Layne G. (US

6311299 B1; hereafter referred to as Bunker) as applied in the last office action, filed 07/13/2004. Therefore, the rejection is maintained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(f) he did not himself invent the subject matter sought to be patented.

4. Claims 31, 32 and 38-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Bunker; Layne G. (US 6311299 B1; hereafter referred to as Bunker). The applied reference has a common Assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

See the Non-Final Action filed 07/13/2004 for detailed action of prior rejections.

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5. Claims 31, 32 and 38-54 are rejected under 35 U.S.C. 102(f) because the applicant did not invent the claimed subject matter. Note: the subject matter of the current invention is full disclosed in Bunker; Layne G. (US 6311299 B1). See previous rejection, above.

See the Non-Final Action filed 07/13/2004 for detailed action of prior rejections.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Torres whose telephone number is (571) 272-3829. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JOSEPH D. TORRES
PRIMARY EXAMINER

Joseph D. Torres, PhD
Primary Examiner
Art Unit 2133